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THE BAPTIST TRADITION AND RELIGIOUS FREEDOM: RECENT
TRAJECTORIES

by
Samuel Kyle Brassell

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of
the requirements of the Sally McDonnell Barksdale Honors College.

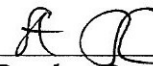
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ABSTRACT

SAMUEL KYLE BRASSELL: The Baptist Tradition and Religious Freedom: Recent Trajectories

For my thesis, I have focused on the recent religious freedom bill passed in Mississippi and the arguments and influences Southern Baptists have had on the bill. I used the list of resolutions passed by the Southern Baptist Convention to trace the history and development of Southern Baptist thought on the subject of religious freedom. I consulted outside scholarly works to examine the history of the Baptist tradition and how that history has influenced modern day arguments. I compared these texts to the wording of the Mississippi bill. After conducting this research, I found that the Southern Baptist tradition and ethical thought are reflected in the wording of the Mississippi bill. I found that the large percentage of the Mississippi population comprised of Southern Baptists holds a large amount of political power in the state, and this power was used to pass a law reflecting their ethical positions. I concluded that the ethical positions of Southern Baptists could be an interesting and educating framework in which to base future discussions on these issues. By focusing on the ethical positions espoused by Southern Baptists, these conversations could become more productive through acknowledging the legitimacy of these beliefs and using them to center the argument on the most significant issues.

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I. Introduction

For my thesis I have chosen a topic that has been at the forefront of the state and national discussion since before I enrolled at the University of Mississippi. Starting in 2015, the summer before I arrived on campus, same-sex marriage was legalized nationwide by the *Obergefell v. Hodges* decision. Over the course of a decade, same-sex marriage had gained legal status state by state, but with the *Obergefell* decision, states resisting the legalization of same-sex marriage were overridden by the Supreme Court decision. Following this decision, the debate over the role religious freedom would play in the accommodation of the opponents to the decision began. Following the ruling in *Obergefell*, several states, including Mississippi, passed laws to allow business owners and government officials to refuse to serve same-sex couples and transgender individuals in certain scenarios they would argue conflicted with their religious beliefs, such as activities involved with wedding planning or celebrations. Since the passage of these laws, legal challenges have been argued across all level of federal courts, including the arguments made in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission* (2017), before the Supreme Court. This issue continues to be a topic of intense legal debate despite the resolution of that and similar cases. For instance, Masterpiece Cakeshop is again the center of a discrimination investigation by the Colorado Civil Rights Commission after the owner refused to bake a cake celebrating a gender transition.

Mississippi House Bill 1523, also known as the “Religious Liberty Accommodations Act” or the “Protecting Freedom of Conscience from Government Discrimination Act,” passed the Mississippi House of Representatives on February 19, 2016, the Senate on March 30, 2016, and was signed by the governor on April 5, 2016. Following its passage, a legal challenge was struck down by the Fifth Circuit Court and then the Supreme Court, not on the law’s merits but because the plaintiffs, the Mississippi Center for Justice, could not prove they had been harmed by the law. The lawsuits were filed before the law had taken effect, and therefore, the plaintiffs had faced no discrimination stemming from the law. Because the case was decided on a technicality and not based on the constitutionality of the law, the debate in Mississippi and across the country continues. This debate, having lasted my entire college career, has fascinated me. Coming from a Southern Baptist background, in which the official denominational organizations are in favor of laws such as this one, I was familiar with Southern Baptist arguments in favor of religious freedom generally, and this law specifically. As I studied these arguments and the Mississippi bill, I noticed a striking similarity. After researching the bill further, I realized that several of the bill’s authors were practicing Southern Baptists. Thus, I became interested in the effect the Southern Baptist Convention, the largest Protestant Christian denomination in the United States, had on the creation and passage of this bill. Reflecting the teachings of the Southern Baptist Convention on religious freedom, Southern Baptist leaders and laypersons in Mississippi supported the passage and signing of the bill through official resolutions of the convention and influence placed on legislators. Furthermore, writings of Southern Baptist leaders demonstrate the similarities between the language found in the bill and the teachings of

the Convention. In this thesis, I will examine Baptist ethical thought on religious freedom in America and illustrate that HB 1523 reflects an evolution in that tradition: specifically, current Southern Baptist teachings on religious liberty that extend the definition of religious freedom beyond the liberty to worship to include the ability to live according to one's beliefs in the public square. I will further show that my study of the particular case of Southern Baptist thought on religious freedom has implications for the way in which democratic societies treat minority religious beliefs.¹ Finally, I will illustrate that understanding the reality of sincerely held religious beliefs regarding religious freedom, marriage, and sexuality will create more productive dialogue between opposing viewpoints by focusing the conversation on the applications of the law instead of attempting to alter firmly held beliefs.

To illustrate the ongoing relevance of my topic in American national discourse, two recent events reveal the growing tension between religious freedom arguments and arguments against discrimination. The recent outcry against Karen Pence, wife of Vice President Mike Pence, after she returned to teaching at a Christian school in Virginia that requires teachers and students to accept a code of conduct that prohibits homosexual relationships is one of the beliefs and actions directly addressed in the bill passed in Mississippi. A panel on CNN shortly following the news of her employment at the school reveals the issues Southern Baptists predict would arise in response to the nationwide legalization of same-sex marriage. While discussing her personal religious beliefs and her employment at a school that holds students, teachers, and parents to those beliefs, the

¹ I would like to inform the reader that I am an active member of a Southern Baptist congregation and thus have a personal interest in this subject. However, by using methods in the academic study of religion, my paper seeks to provide an impartial, clear, academic presentation of Southern Baptist beliefs and the connections these beliefs have to House Bill 1523.

host of the panel, John King, said, “Does it matter all taxpayers pay for her housing? All taxpayers pay for her Secret Service protection? It’s not her fault she needs protection, this is the world we live in. But all taxpayers subsidize her life. Does it matter?” (Concha). A nationally televised political commentator questioning the use of Secret Service protection for the wife of the Vice President because of her religious beliefs and her association with a school that practices those beliefs alarms those who believe religious freedom should incorporate the ability to live one’s life freely according to one’s beliefs.² This sentiment is mirrored when another member of the panel, Oliver Knox, said, “So you mean does her First Amendment freedoms get somehow curtailed because taxpayers pay for her accommodations and security? I don’t know that a lot of people would sign on to that” (Concha).

Another recent example stems from an article written by Rebecca Klein and published by *The Huffington Post* entitled “Schools that were Segregation Academies now Ban Pregnant and LGBTQ Students.” The article, following closely after the election of Republican Cindy Hyde-Smith to the United States Senate, addresses the high school she attended as a child in the 1970s, a school dubbed a “segregation academy.” These “private schools that were formed in Mississippi and other parts of the South by whites in the 1960s and ‘70s” were born out of a desire “to avoid racial mixing amid court-ordered school desegregation,” (Klein). Highlighting issues Klein sees as continuing this real history of discrimination, she examines the handbooks of six schools in Mississippi. These schools have policies in place that require the expulsion of female students who become pregnant, the male student involved in the pregnancy, and a student

² Pew Research Center data illustrates that white, conservative, Protestant, evangelicals are the group most likely to hold these beliefs about religious freedom (“Where the Public Stands on Religious Freedom”).

who terminated a pregnancy through an abortion. Specifically dealing with LGBTQ issues, the author highlights the handbook of Northpoint Christian School in Southaven, Mississippi, a suburb of Memphis, Tennessee.³ Formerly known as Southern Baptist Educational Center, Northpoint Christian School holds closely to Southern Baptist teachings on sexual ethics. Klein notes the school “has a policy of banning LGBTQ students. In the school’s handbook, it says ‘homosexuality’ is grounds for dismissal and any applying student ‘who promotes, engages in, or identifies himself/herself with such activity through any action’ will not be admitted.” The main controversy relates to the use of government funds through an “education scholarship account program” that has allowed “84 private schools in Mississippi” to receive government funding designated by families while advocating for these policies. These issues relating to the practicing of beliefs on an institutional level and the use of government funds to support these activities has led to national debate on the issue, which is explicitly addressed in House Bill 1523.

In examining this topic, I have encountered two varying sources regarding Southern Baptist thought. The Southern Baptist Convention has an extensive collection of official resolutions passed from 1845 to 2018 dealing with the idea of religious freedom. These documents, passed at the annual meetings of the convention by a majority vote of the members present, represent the approved doctrinal positions of the Convention on a number of issues. Tracing the teachings on religious freedom and sexual ethics, one can notice slight changes emerge as issues in the culture surrounding the Convention become more prevalent. Although religious freedom resolutions date back to the first years of the

³ I was a member of the 2015 graduating class of Northpoint Christian School, and my mother remains an employee of the school.

Convention's existence, as their political power and cultural influence weakened, the arguments for religious freedom grew in frequency and altered in argument.⁴ Viewing themselves for the first time as a religious minority, Southern Baptists began to argue that religious liberty extends beyond the freedom to worship as one wishes to the freedom to live out their beliefs in the public sphere, a sphere that would involve other citizens who do not share their beliefs. Similarly, as sexual ethical issues shifted from divorce and heterosexual sex outside of marriage, resolutions regarding sexual ethics shifted to focus on the Southern Baptist teaching on homosexuality and same-sex marriage. In fact, a decade before same-sex marriage became a hot button national issue, Southern Baptists passed a resolution calling on the national and state governments to uphold their definition of marriage (Fitzgerald 484).

However, along with the official statements of the Convention, individual members as well as organizations affiliated with the Convention do not always follow exactly with the beliefs stated in the official documents. Southern Baptists, while advocating for religious freedom and a lack of government interference in the lives of religious adherents, have willingly used their political power in communities they dominate to enforce their morality on the wider community. Through legislation limiting activities like gambling and drinking to anti-sodomy laws, individual Southern Baptists and local and state bodies have wielded their influence to restrict behavior in conflict with the official positions of the National Convention. Although these two traditions diverge in practice, both the official statements and the beliefs and practices of influential ordinary members emphasize the need for religious freedom to include the ability to live

⁴ For further reference on the idea of worship as a means to remaining relevant in cultural debate, see Marie Griffith's book *Moral Combat*.

out their beliefs in the public square, especially on the issues of gender, sexuality, and marriage.

My study of the effect of Southern Baptist ethical thought on House Bill 1523, is located within the specialty of religious ethics in academic religious studies. Using religious ethics scholar William Schweiker's dimensions of ethical thought, I examined the development of Southern Baptist beliefs and the ways in which Southern Baptists use these beliefs to guide their policy positions. Focusing specifically on the descriptive, normative, and practical dimensions, I highlighted the ways Southern Baptists view the issue of religious freedom laws, the values and sources that motivate their thinking about such laws, and the methods they use to put their beliefs into practice (Schweiker 5-9). To interpret contemporary arguments about the issue of religious freedom, I used a historical framework to trace the different avenues through which they approached this topic and how their thinking on the topic has developed over time.

My primary material for tracing the development of the Southern Baptist ethical positions, was resolutions passed at the annual meetings of the Convention. A catalog of these resolutions can be found on the official website of the Convention. For further study on the history of the Southern Baptist Convention, I consulted the book *Baptist Battles*, by noted American history scholar Nancy Ammerman. I also drew heavily on *Evangelicals: The Struggle to Shape America* by historian Frances Fitzgerald as a study of evangelical influence on politics in the United States. Furthermore, I was able to draw on the social media accounts of Mississippi politicians to examine their thinking and motivations in their promotion of House Bill 1523. By finding direct references to Southern Baptist organizations, the link between Southern Baptist ethical thought and the

bill became clear. I also consulted Pew Research Center data to gain a perspective on the racial makeup of the Convention as well as the religious landscape of Mississippi.

II. The History of Southern Baptist Religious Freedom Arguments

To understand Southern Baptist ethical thought regarding religious liberty, an examination of the history of Baptists is required. Much of modern Southern Baptist thought as well as the development of that thought can be traced back to their time as a religious minority in Europe and the United States. In the United States, Leo Pfeffer writes that Baptists have been “the denomination by far most vigorous in the struggle for religious freedom and separation of church and state” (Wood 23). Tracing their history in the United States, Baptists have advocated for the freedom to practice their religion since before the Revolutionary War. Until the last one hundred years, wherever Baptists have existed, they have constituted a religious minority. As a religious minority, advocating for religious freedom simply meant advocating for their own protection and survival.

Southern Baptists can trace their heritage back to dissenters in England in the sixteenth century. Out of the Protestant Reformation, groups of separatists arose in England and continental Europe. One separatist group, led by John Smyth, held firmly to the belief in adult baptism and religious freedom. In the Baptist Confession of Faith of 1612, a section on the role of religious liberty states,

The magistrate is not by virtue of his office to meddle with religion or matters of conscience, to force or compel men to this or that form of religion or doctrine: but to leave religion free, to every man’s conscience, and to handle only civil transgressions (Rom 13), injuries and wrongs of man against man, for Christ only is the king and lawgiver of the church and conscience (James 4:12) (Wood 22).

The idea that a local body of believers should function without any guide other than the Bible, earned their leaders “reprimands, jail sentences, exile, and death” (Ammerman 18). From this idea emphasizing the local autonomy of a body of believers, Baptists would develop arguments for individual and corporate religious freedom free from both church and civil authorities. Even John Locke stated, “the Baptists were the first and only propounders of absolute liberty – just and true liberty, equal and impartial liberty” (Wood 22). As the Baptist denomination grew in England, and issues regarding Arminian theology emerged, a large number of Baptists migrated to the New World.⁵ Arriving in heavily Puritan colonies, these Baptists faced continued persecution for their religious beliefs. Following Roger Williams’s expulsion from the Massachusetts Bay Colony, Baptists who supported religious freedom founded Rhode Island and the first Baptist Church in America in Providence (Ammerman 22). Owing to the previous persecution Baptists faced in Europe and Massachusetts, their strong support for religious liberty led Baptists to argue against government involvement in religious affairs. Fleeing persecution in Europe, founding new colonies in response to being exiled from existing colonies, and fighting persecution throughout the Revolutionary War period encouraged the early Baptists in Virginia to lobby Thomas Jefferson and the Virginia legislature to pass the Virginia Statue on Religious Freedom. Even Baptist support of the War was “in part because they saw it as a prelude to religious liberty” (Ammerman 25).

As the country expanded west, evangelical denominations found massive success at outdoor revivals along the frontier, and Baptists in America saw their numbers soar. With an increase in numbers, organizations began to connect Baptists from different

⁵ Arminian theology refers to the view that “God’s grace is available to all, not just a predestined few,” in contrast to Calvinism (Ammerman 20).

regions to accomplish specific tasks. Emphasis on local church autonomy prevented the easy creation of national denominational organizations, but soon missionary fundraising societies linked Baptists across the country (Ammerman 26-27). Out of these fundraising societies, a formal denominational structure began to arise; however, the sectional division caused by slavery would soon tear the recently united Baptists apart. In 1845, because of the support of northern Baptists for the abolition movement, Southern Baptists gathered in Augusta, Georgia, and formally voted to sever ties with organizations outside of the South and create the Southern Baptist Convention, a denominational organization that exists to the present (Ammerman 32). And yet, the firm insistence on the autonomy of the local congregation prevented a simple combining of churches into a denominational structure (Ammerman 33).

Following the Civil War, white Baptists found themselves with significant influence within Southern communities for several reasons. Prominent community leaders began to join the denomination that formerly was seen as a place of worship only fit for the lower classes. Southern culture and identity became intricately linked with Protestant, evangelical denominations, especially Southern Baptist teaching and lifestyle, to the point where it was difficult to decipher the differences between church teachings and societal norms that had been adopted by the church (Ammerman 43). Although the current version of the *Baptist Faith and Message*, a denominational statement of beliefs, contains an entire section dedicated to religious freedom, and it explicitly forbids the church from using political power to “carry on its work,” as Nancy Ammerman writes, “most Baptists were only too eager to have the assistance of government in upholding the morals they saw as essential to the life of a Christian community” (Ammerman 36).

Finding themselves in the position to legislate morality to the larger community, Southern Baptists did not hesitate to enforce their standards of morality on the communities in which they lived. One historian writes that Southern Baptists “have dealt with the legislation or control of personal morality extended into the public arena” (Gaddy 57). Jeff Pool writes that the contrast between “the almost fanatical Southern Baptist insistence on the principle of religious liberty and the corresponding failure to observe consistently and actualize the principle in practice,” presents a compelling contradiction (15). By arguing in favor of religious freedom protections while also attempting to enshrine their moral beliefs in the legal code in which they live, Southern Baptists have routinely contradicted their written beliefs on the subject of religious liberty. Despite this influence and their eagerness to impose their standards on others, the issue of religious liberty remains important to the Convention.

Any study on the teachings concerning religious freedom must begin with the definition of religious freedom used. Nancy Ammerman describes the early support for religious liberty as an objection “to papal and state interference in matters of faith.” Early Baptists insisted on “a free conscience and independence from outside authority” (18). To Baptists, religious freedom included freedom from two sources of authority: both state and church. Baptists argued neither should be allowed to dictate a person’s religious beliefs or activities, and each person must make “a conscious choice to be Christian,” and accept “responsibility for their own souls’ welfare” (Ammerman 19). Religious decisions were deeply personal and the sole responsibility of the person making the decision. Early Baptists believed that any influence of the government or religious authorities in their personal religious practices and decisions violated their freedom of conscience. Baptists

believed in a “free church and a free or secular state.” James Wood defines a free church as “a church free from any political alliance, sanction, or support, subject only to the lordship of Christ and comprised only of believers voluntarily committed to Christ” (Wood 22). He goes on to define a free and secular state as “a limited state, limited to this age or speculum in which the people have excluded civil authority from religious affairs.” We see evidence of these concepts in a definition from a 1940 Baptist publication,

Each and every individual is endowed by the Creator with the unalienable right to worship as his own conscience may direct, or even not to worship at all if he is so inclined. Over religious beliefs and religious acts neither the state nor the head of the state may properly assume to exercise any authority or control. Nor can organized religion assume any authority or control over the affairs of the state. (“Resolution Concerning Freedom of Religion” 1940)

In this definition, the early focus of religion freedom arguments, the ability to worship or not to worship as one sees fit, can be clearly seen. The idea that the church should not exercise authority in legal and political matters begins to develop, although in practice, the principle remains only partially followed.

In 1855, at a meeting of Southern Baptists in Montgomery, Alabama, shortly after the convention was formed, the members released the “Resolution on Religious Liberty.” In this resolution, the leaders of the new convention created a committee to draft a letter to the President and Congress to encourage them to guarantee religious freedom “by the treaties existing between this nation and foreign nations, and by treaties hereafter formed, to American citizens residing in foreign lands under the flag of our country, which is guaranteed to all foreigners residing on American soil” (“Resolution on Religious Liberty”). Coming only ten years after the official formation of the Southern Baptist

Convention, following a split with northern Baptists over the issue of slavery, and even more recently after the convention gained legitimacy, the passage of this resolution illustrates the priority Southern Baptists have placed on religious freedom since their founding in 1845. Over sixty-six resolutions passed at annual convention meetings deal with issues of religious freedom, either in individual nations and circumstances or universally as a human right.⁶ Since 1935, a resolution regarding religious liberty has been adopted at least every three years, with the exception of the decade following World War II. Many of these years contain multiple resolutions covering several aspects of religious freedom (“List of Religious Freedom Resolutions”). Resolutions dating from the 1930s and 1940s deal mostly with state funding of specific churches. In “Resolution on Freedom of Religion” (1938), the Southern Baptists argue,

That the Southern Baptist Convention reaffirms its devotion to the basic American and New Testament doctrine of the absolute freedom of religion and the absolute separation of church and state.

2. That this principle always and everywhere forbids all government subsidies to religion and religious institutions and all governmental authority over or control of the free exercise of religion.

3. That we urge upon all our Baptist people and institutions the vital importance and necessity for their being alert and sensitive in such matters and refusing all governmental aid, however indirectly offered, and of resisting the bestowal of such aid upon any interest or institution of any and all other denominations.

4. That the Southern Baptist Convention again give its approval to the proposal to amend the Constitution of the United States so as to prohibit the appropriation of public funds to sectarian institutions by any unit of government.

⁶ It is important to note that throughout its history, the Southern Baptist Convention has participated and advocated for slavery and segregation. Resolutions and actions taken in the Jim Crow era remain tinged with racial motives, and a line of inquiry into the racial aspects of religious freedom arguments in the early twentieth century would present useful analysis. However, the focus of this paper remains the development of the arguments for religious freedom and not the reasoning behind such arguments not dealing with LGBTQ+ issues. Although these issues surely contributed to the large number of resolutions passed, the focus of the historical analysis is to trace the line of thinking in which Southern Baptists define religious freedom not the specific issues motivating such a definition. For further research on this topic, the Southern Baptist Convention website provides a list of all resolutions passed addressing racism at <http://www.sbc.net/resolutions/about/racism>.

Following closely to prior arguments advocating against the government regulation of religion, the prohibition on receiving government assistance shows that Southern Baptist arguments regarding religious freedom expanded beyond their original scope. Unlike arguing for the freedom to personally worship how they saw fit, Baptists began to argue that government should remain completely neutral in matters of religion. However, Southern Baptists would link this new position to the original position on religious freedom when they wrote in a later resolution that “sacred principle of government cannot be maintained if and when the government becomes the financial sponsor for churches, provides financial subsidies for churches or other religious institutions, or appropriates money out of the public treasury to sectarian institutions” (“Resolution on Freedom of Religion” 1936).

Moving into the 1950s, 1960s, and 1970s, Baptist religious freedom arguments developed with the political and religious atmosphere in the United States. In a resolution titled, “Resolution on Religious Liberty” from 1959, the Southern Baptists’ growing concern with the encroachment of government into religious life is clear. The resolution says, “The concept of separation has become unclear because of the overlapping developments of church institutions and the expansion of the services of government” (“Resolution on Religious Liberty” 1959). As the government and its services continued to expand and to take the place of services previously performed by religious organizations, Baptists increasingly feared government interference in their religious lives. However, the resolution does not advocate any specific action beyond “That we urge penetrating study, intensive teaching and prophetic preaching of the biblical principles and insights that form the foundation of religious liberty, and... we urge upon

our Baptist people the importance of exercising a prayerful and responsible stewardship of influence by means of active participation in all parts of the democratic process” (“Resolution on Religious Liberty” 1959). In a 1964 resolution, the Baptists refer back to their historic support for religious liberty before calling for continued protection of the principles espoused in the First Amendment. They begin, “Our leaders and our people have firmly rejected the use of the coercive powers of government in the realm of religion. Baptists had much to do with writing the First Amendment into the Constitution of the United States and have been in the forefront in preserving the religious liberty that our nation has enjoyed” (“Resolution on Religious Liberty” 1964). Again, they simply urge their congregations to educate themselves on contemporary religious liberty issues and the arguments in support of a Southern Baptist interpretation of religious freedom; however, they do not prescribe any specific action to address the issues facing the denomination at the time.

One of the unique resolutions addressed an issue regarding a change made to the tax-free status of religious organizations made in a federal bill in 1976. The issue is described when they write,

The Internal Revenue Service is seeking to establish, by administrative regulation instead of legislation, a legally valid definition of "integrated auxiliary"; and The Internal Revenue Service's effort derives from the premise that Internal Revenue Service is competent to decide what is and what is not relevant to the mission of churches and religious bodies; and The Internal Revenue Service's proposed definition and illustrations, published in the Federal Register on February 11, 1976, would exclude religious groups' schools, hospitals, orphanages, homes for aged persons, etc., from the category of "integrated auxiliaries" and thus require them to file additional tax reports (“Resolution on Religious Freedom for All People” 1976).

According to this law, the Internal Revenue Service would create a method for devising which religious organizations' missions are religious in nature. The Southern Baptists write, "There is such variety among religious groups as to make it impossible for the Internal Revenue Service to impose its own concept of what is religious without (a) establishing, by governmental regulations, a uniformity of religion which offends both the Establishment Clause and the Free Exercise Clause of the First Amendment and (b) requiring the intrusion of government into religion's precincts" ("Resolution on Religious Freedom for All People" 1976). The argument deals with the government's inability to categorize the activities of religious institutions without creating a governmental standard defining acceptable religious practice, something Baptists find abhorrent. In this resolution, the authors urge direct action by calling on the leaders of the Internal Revenue Service to alter their course of action, and they encourage the public policy arm of the Southern Baptist Convention to directly communicate with the Director of Internal Revenue, and more strongly urge Baptists to monitor and advocate against government intrusion into religious issues and organizations.

At the beginning of the twenty-first century, specifically dealing with the issue of same-sex marriage, Southern Baptists illustrated an eagerness to allow the government and political institutions to be used to enforce their morality on society as a whole. Following the legalization of same-sex marriage in Massachusetts in 2003, the convention passed a resolution titled "On Supporting a Federal Marriage Amendment." As the title suggests, this resolution calls for the passage of an amendment to the Constitution of the United States to enshrine the federal government's definition of marriage as that between one man and one woman. Recognizing the threat posed to their

morality by same-sex marriage advocacy groups, they write, “Groups advocating same-sex ‘marriage’ have pledged to challenge all state Defense of Marriage Acts (DOMAs) and the federal Defense of Marriage Act and, according to respected legal experts, courts in some of the states with DOMAs on the books are likely to rule those laws unconstitutional” (“On Supporting a Federal Marriage Amendment”). The document continues, “we call upon all members of both houses of Congress to pass a Federal Marriage Amendment and all state senators and legislators to ratify the same amendment,” urging legislators to pass the amendment. The text even encourages individual members of Baptist congregations to write and call their representatives to voice their support for such an amendment. In her book, *The Evangelicals: The Struggle to Shape America*, Frances Fitzgerald highlights the struggle to pass a Federal Marriage Amendment. Even at a time when “gay marriage seemed almost inconceivable to most Americans... religious conservatives had taken the prospect of it seriously for almost ten years” (Fitzgerald 484). They called for opposition to “all efforts by any court or state legislature to validate or legalize same-sex marriage or other equivalent unions” (Fitzgerald 486). The 2004 presidential election marked the first time the Southern Baptist Convention participated in electoral politics by mounting an “I Vote Values” drive to register and educate Southern Baptist voters. This new involvement was largely due to the possibility of passing a federal marriage amendment if conservative majorities in the House and Senate were large enough (Fitzgerald 494). Here, Nancy Ammerman’s observation is relevant in arguing, “most Baptists were only too eager to have the assistance of government in upholding the morals they saw as essential to the life of a Christian community” (Ammerman 36). Although her quote deals with early Baptist

influence on Southern communities, as Baptists expanded across the country, they have taken this tactic with them.

III. Scripture and Interpretation in the Southern Baptist Definition of Religious Freedom

The Southern Baptist definition of religious freedom developed throughout their history from their time as a persecuted minority to their position as a powerful group within southern communities and American politics as a whole. The definition incorporates the prohibition against government interference in any matters of religion, the rejection of higher authority to dictate beliefs of the conscience, both governmental and religious authority, and the ability to practice religious beliefs in public despite their position as business owners or employees. Baptists, referencing a history where religious freedom was equated to the survival of their religious beliefs, use experiential arguments to support their definition of religious freedom. However, Scriptural sources remain an important source for the development of their belief about religious liberty. In their resolutions, articles, and publications, Baptists reference a variety of verses and passages from both the Hebrew Bible and New Testament to justify their thought concerning religious freedom.

In “On Protecting Religious Liberty,” a resolution passed at the 2012 Southern Baptist Convention annual meeting, the resolution begins with the phrase, “God has made the human conscience inviolable” (“On Protecting Religious Liberty”). To support this claim, the authors cited verses in Romans, chapter two, and 1 Corinthians, chapters four, eight, and ten. In Romans 2:15, Paul writes, “They show that what the law requires is written on their hearts, to which their own conscience also bears witness; and their

conflicting thoughts will accuse or perhaps excuse them.”⁷ In this verse, Southern Baptists believe they find justification for their belief that everyone is accountable to their own conscience, not any higher authority. 1 Corinthians 4:3-5 provides the clearest support for religious liberty, saying, “But with me it is a very small thing that I should be judged by you or by any human court. I do not even judge myself. I am not aware of anything against myself, but I am not thereby acquitted. It is the Lord who judges me... Then each one will receive commendation from God.” In these verses, Paul is understood to place higher authority in the approval of God over human judgment. Paul disregards human judgement, including legal judgement, in favor of being approved of both his conscience and his God. When discussing the idea of personal responsibility in religious choice, Southern Baptists cite Jesus speaking in Revelation 3:20 when he says, “Listen! I am standing at the door, knocking; if you hear my voice and open the door, I will come in to you and eat with you, and you with me.” Baptists point to the ability of a person to open the door, or not, as a sign of the freedom each person should have in religious choice. This verse, they argue, prohibits government compulsion or favoritism in matters of religion, since each individual should be allowed to open the door, or not, based on their own personal choice.

The *Baptist Faith and Message* provides several references to verses that are used to support their beliefs on religious freedom. They first reference the creation of man in God’s image to illustrate the freedom inherent in each person. Because each person is created in the image of God, they argue, placing government restraints on one’s ability to practice religion as they see fit violates the very nature of God’s creation. Developing out

⁷ Biblical quotes are from the ESV.

of this idea, Baptist references to scripture justifying their position on religious freedom balance two competing ideas: the need to submit to lawful authority and the belief in the individual's ultimate responsibility to God.

Baptists argue that biblical sources clearly instruct Christians to submit to the government as a lawful authority put in place by Christ. They begin their argument by citing an encounter between Jesus and the Pharisees in which the Pharisees question Jesus regarding the legality of paying taxes to the Romans. The passage, found in Matthew 22:17-21, says,

“Tell us, then, what you think. Is it lawful to pay taxes to Caesar, or not?” But Jesus, aware of their malice, said, “Why put me to the test, you hypocrites? Show me the coin for the tax.” And they brought him a denarius. And Jesus said to them, “Whose likeness and inscription is this?” They said, “Caesar's.” Then he said to them, “Therefore render to Caesar the things that are Caesar's, and to God the things that are God's.”

Attempting to trap Jesus by proving his disloyalty to the Roman Empire, thereby having him arrested by the Roman authorities, or prove his disloyalty to the Jewish people and have the people turn against him, the Pharisees ask the question regarding Rome's legal authority to tax the Jewish people. In his answer, Jesus validates the role of the government while also emphasizing one's duty to God. In this passage, Baptists see a role for legitimate government, but one that does not impede religious practice.

Paul echoes this concept in Romans 13 when he addresses the Christian obligation to submit to governing authorities. Romans 13:1-7 states,

Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for

he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer. Therefore one must be in subjection, not only to avoid God's wrath but also for the sake of conscience. For because of this you also pay taxes, for the authorities are ministers of God, attending to this very thing. Pay to all what is owed to them: taxes to whom taxes are owed, revenue to whom revenue is owed, respect to whom respect is owed, honor to whom honor is owed.

Baptists interpret this verse to illustrate the proper role of government and the requirement that Christians submit to the proper authorities. They see the government as appointed by God to punish evil and reward good. Resisting a government instituted by God will bring "God's wrath." Like Jesus, Paul justifies the government's ability to collect taxes. Interestingly, in a later passage containing a story about Peter and John, Baptists will argue that this submission is only owed legitimate government. Not only is it permissible to resist unjust laws, Baptists see this resistance as a requirement if they truly wish to obey God.

The last passage the Baptists cite in the *Baptist Faith and Message* to support their position on the importance of recognizing the legitimate exercising of government authority comes from 1 Peter 2 (*Baptist Faith and Message*). The passage, in verses 13-17, speaks to obeying the emperor while also living as free individuals before God. It says,

Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good. For this is the will of God, that by doing good you should put to silence the ignorance of foolish people. Live as people who are free, not using your freedom as a cover-up for evil, but living as servants of God. Honor everyone. Love the brotherhood. Fear God. Honor the emperor.

Here, Baptists argue, the Bible illustrates the importance of both national and local government and honoring both as legitimate authorities. Also, these verses allow for Baptists to illustrate the complexity of their religious freedom arguments because along with the governmental exercise of authority, the verse also highlights the importance of freedom to the ability of Christians to live “as servants of God.” Although honoring the government, as represented by the emperor in the time of the early church, was commanded even in a time of persecution, the freedom needed to live according to one’s faith remained an important concept to early Christians.

Respect for government authority, however, is not the only teaching regarding interaction with political leaders. Baptists cite texts that record interactions with government leaders and teaching to justify their belief in religious freedom and the need for civil disobedience if a law violates their interpretation of their religion. In Acts 4, an interaction between Peter, John, and leaders in Jerusalem illustrates the proper response to government invasion into matters of religion. The text says,

But in order that it may spread no further among the people, let us warn them to speak no more to anyone in this name.” So they called them and charged them not to speak or teach at all in the name of Jesus. But Peter and John answered them, “Whether it is right in the sight of God to listen to you rather than to God, you must judge, for we cannot but speak of what we have seen and heard.

When Peter and John are confronted with a law they view as unjust, the appropriate reaction recorded is to follow their conscience and their God over the government. Baptists view this as justification to listen to God rather than government, and this plays out in civil disobedience to unjust laws and arguing in favor of laws that line up with their beliefs or allow them to practice their beliefs without restraint. Because of the promotion of civil disobedience in the face of laws that would force Baptists to violate

their consciences, religious freedom arguments center around the ability to live out one's convictions in the public sphere without having to resort to civil disobedience.

Another passage cited in the *Baptist Faith and Message* is found in James 4:11-12. These verses say, "Do not speak evil against one another, brothers. The one who speaks against a brother or judges his brother, speaks evil against the law and judges the law. But if you judge the law, you are not a doer of the law but a judge. There is only one lawgiver and judge, he who is able to save and to destroy. But who are you to judge your neighbor?". Again, the idea of just and unjust laws comes in to play. Because they view God as the ultimate lawgiver and judge, they consider any law that violates his commands to be an unjust law. In response to unjust laws, Baptists cite religious freedom when they say, "The First Amendment to the United States Constitution and every state Constitution recognize the importance of and the need to protect the free exercise of religion." An unjust law is defined in "On Biblical Sexuality And The Freedom Of Conscience" as "Any law that directly contradicts natural law and biblical truth." The Convention writes, "Our highest respect for the rule of law requires that we not affirm an unjust law that directly contradicts higher law." Any law that violates the word of the ultimate lawgiver, they argue, should be disobeyed, and their definition of religious freedom attempts to make their version of civil disobedience legal.

Finally, Southern Baptists do not see themselves first as citizens of any state or country. A citation from the book of Philippians says, "But our citizenship is in heaven, and from it we await a Savior, the Lord Jesus Christ, who will transform our lowly body to be like his glorious body, by the power that enables him even to subject all things to himself" (4:20-21). From this verse, Baptists argue that their first loyalty is not to any

earthly government but to a heavenly king. Although Southern Baptists are encouraged to submit and recognize legitimate government authority, they argue that laws that do not line up with the commands of the Bible are inherently unjust. These unjust laws should be disobeyed through civil disobedience if necessary because their ultimate loyalty remains to their religion. However, in their religious freedom arguments, they attempt to allow for the legalization of such disobedience through religious freedom objections that would allow them to live out their beliefs despite laws restricting public behavior.

Baptist belief concerning religious freedom arises from interpretation of Scriptural sources. Specifically in the New Testament, Baptists find arguments for a free conscience and individual responsibility to be markers of an ethic of religious liberty. Because of the passages in Romans illustrating the need to be obedient to the government, Baptists teach an ethic of obedience to government unless a law contradicts Biblical teaching and personal conscience. Balancing the responsibility of obedience to the government with the emphasis on religious freedom, Baptists developed an ethic that emphasizes the freedom to worship and practice as one sees fit while remaining submissive to government authority in areas that do not compromise convictions.

IV. Contemporary Thought, Baptist Organizations, and the Public Sphere

The development of arguments regarding religious liberty leads to the modern Baptist position on the topic that is of paramount importance to Southern Baptists. Resolutions passed within the last decade, the updated version of the *Baptist Faith and Message*, and articles written by influential Baptist leaders on the subject illustrate the complex position Baptists have arrived at, especially following the legalization of same-sex marriage. Although Southern Baptists clearly argue against government intrusion into matters of religion, they called for government action to protect their morality. However, following the *Obergefell* decision, Baptists have seemingly surrendered their fight to outlaw same-sex marriage. Instead, they have focused on fighting for the ability to practice their religious convictions in the public square. In writings and resolutions, the desire to live according to their convictions both in religious practice and public areas, such as in private business dealings and government employment, can be clearly seen.

The *Baptist Faith and Message*, a denominational statement of beliefs that every Southern Baptist church endorses, dedicates an entire section to the subject of religious freedom. It provides a modern definition when it says,

God alone is Lord of the conscience, and He has left it free from the doctrines and commandments of men which are contrary to His Word or not contained in it. Church and state should be separate. The state owes to every church protection and full freedom in the pursuit of its spiritual ends. In providing for such freedom no ecclesiastical group or denomination should be favored by the state more than others. Civil government being ordained of God, it is the duty of Christians to render loyal obedience thereto in all things not contrary to the revealed will of God. The church should not resort to the civil power to carry on its work. The gospel of Christ contemplates spiritual means alone for the pursuit of

its ends. The state has no right to impose penalties for religious opinions of any kind. The state has no right to impose taxes for the support of any form of religion. A free church in a free state is the Christian ideal, and this implies the right of free and unhindered access to God on the part of all men, and the right to form and propagate opinions in the sphere of religion without interference by the civil power. (*The Baptist Faith and Message*)

This definition provides clear guidelines for the limits of governmental authority when dealing with issues of religion. These guidelines include “freedom in the pursuit of its spiritual ends,” not favoring one “ecclesiastical group or denomination” over others, not imposing “taxes for the support of any form of religion,” and the state having “no right to impose penalties for religious opinions of any kind.” Similarly, certain restrictions on religious influence in governmental actions are put in place. When the definition says, “The church should not resort to the civil power to carry on its work,” the use of political influence to enforce religious practices is clearly outlawed; however, where the line that divides religious practices and enforcing a common morality on the larger society is to be drawn has remained an issue of debate into the present. The definition also instructs Christians to “render loyal obedience” to the government “in all things not contrary to the revealed will of God.” In these two clauses about the Christian’s responsibility to the government, the debate over the place of religious freedom continues.

One way in which Southern Baptists have answered the question of the proper role of Christians in politics is through the active pursuit of political and moral goals through voter registration, education, and motivation. In “On Exercising Religious Freedom and Freedom of Speech,” the convention argues that not only is political engagement permissible for a Christian, a Christian is obligated to perform the duties of a good citizen and advocate for Christian values in public policy. They write, “Churches

and pastors have a responsibility to bring the gospel to bear on every aspect of culture at the local, state, and national levels by understanding the legal means of applying biblical values to social and political issues” (“On Exercising Religious Freedom and Freedom of Speech”). As they argue, Christian beliefs and morals come to bear on all aspects of culture, and bringing a Christian perspective to cultural issues is the responsibility of the church. Further, not only do churches have a responsibility to educate their congregations and the societies in which they are situated, but “Christians have a responsibility to use their freedoms in such ways as defending traditional marriage, protecting the sanctity of human life, and combating the propagation of immoral behavior and deviant lifestyles” (“On Exercising Religious Freedom and Freedom of Speech”). After outlining the responsibility they claim to have in a free society to educate and advocate for their moral values, the resolution continues to encourage political engagement from pastors, churches, and church members. They write,

That we commend The Southern Baptist Ethics & Religious Liberty Commission, including their iVoteValues campaign, as well as other like-minded evangelical organizations for their support of biblical values in the public arena; and be it further
RESOLVED, That we will vote only for candidates and policies at all levels of government that will protect our religious freedoms and advocate traditional Judeo-Christian values; and be it further
RESOLVED, That we urge churches and pastors to understand and exercise their right and responsibility to stand for biblical values and to influence the culture; and be it finally
RESOLVED, That we call upon Southern Baptists to pray for our nation and its leaders and to use their freedom of speech and religious liberty to further the cause of Christ in the public arena. (“On Exercising Religious Freedom and Freedom of Speech”)

In this passage, the Convention commends the public policy arm of the Southern Baptist Convention for educating voters on political issues. Beyond this, Southern Baptists issue a partially veiled threat to future political candidates. Making up the largest Protestant

and evangelical denomination in the United States and a powerful voting bloc in many Southern states, Southern Baptists use their large numbers to encourage candidates to support their views on religious freedom and moral values. The resolution concludes by illustrating one major aspect of the modern definition of religious freedom used by Southern Baptists when it says, “That we call upon Southern Baptists... to use their freedom of speech and religious liberty to further the cause of Christ in the public arena” (“On Exercising Religious Freedom and Freedom of Speech”). For Southern Baptists, religious freedom means freedom from government intrusion into the sphere of religion, but religious freedom also is seen as an avenue to perform and advocate for the beliefs of the church in the public square.

Building on this definition, Frances Fitzgerald writes, “conservative evangelicals, such as Russell Moore (the president of the Ethics and Religious Liberty Commission of the Southern Baptist Convention) and Rick Warren, called for the ‘religious liberty,’ meaning not just the liberty to worship in freedom, but the ability of individuals to carry religious objections from their private lives into their public roles as small business owners, service providers, and even government officials” (Fitzgerald 621). Fitzgerald points to the *Obergefell* decision as the opening of “a new political battlefield” that has led to this new definition of religious freedom. She says, “The Supreme Court decision opened up a new political battlefield in which opponents of same-sex marriage argued that individuals or businesses with religious objections should not be compelled to participate in acts that would validate same-sex marriage” (Fitzgerald 621). It is on this point that modern arguments for religious freedom have centered. Whereas prior arguments focused on the freedom to worship, current arguments center around the

ability to advance the cause of Christ in the world and not hindering it by lending support to an action they view as immoral. Setting an example in moral behavior, Baptists argue, requires the acceptance of their definition of religious freedom. Without the ability to practice their beliefs in the public square as business owners and employees, they would be unable to fully fulfill their religious obligations of living as an example of upright moral behavior and lending support and acceptance only to actions that meet this standard. The Baptists write, “The church has the responsibility in every season to proclaim to the culture the moral standards of God as revealed in His Word, not as legalists, but as advocates of Christ’s transformative grace” (“On the Importance of Moral Leadership”). Because Baptists view the ability to set a moral example as part of their mission to the world, their definition of religious freedom incorporates the ability to live out their beliefs in order to set this example.

Illustrating this, the resolution titled “On the Call to Public Witness On Marriage,” speaks to the importance Christians place on not violating their conscience in public action. Even before the *Obergefell* decision was released, Southern Baptists were concerned about the ramifications the legalization of same-sex marriage would have on their ability to practice their beliefs in the public square. However, they view the legalization of same-sex marriage as an opportunity to illustrate their beliefs to the world around them. They write, “That the Southern Baptist Convention calls on Southern Baptists and all Christians to stand firm on the Bible’s witness on the purposes of marriage, among which are to unite man and woman as one flesh and to secure the basis for the flourishing of human civilization” (“On the Call to Public Witness On Marriage”). Passed before the *Obergefell* decision was released, they argue that no matter what the

Supreme Court decides, Southern Baptists should remain firm in their definition of marriage as between one man and one woman. In order to be able to remain committed to their beliefs, Southern Baptists view religious freedom as vital. They write, “the religious liberty of individual citizens or institutions should not be infringed as a result of believing or living according to the biblical definition of marriage” (“On the Call to Public Witness On Marriage”). Maintaining this freedom, they argue, will prove vital to their ability to stand for their beliefs.

V. The Baptist Tradition and the Mississippi Religious Freedom Bill

With this larger historical and national context in mind, we turn to the particular case of Mississippi. Mississippi House Bill 1523 deals mostly with the issue of religious freedom in circumstances dealing with same-sex marriage, the bill defines the parameters in which a religious objection is allowable. In Section II, the bill states,

The sincerely held religious beliefs or moral convictions protected by this act are the belief or conviction that:

- (a) Marriage is or should be recognized as the union of one man and one woman;
- (b) Sexual relations are properly reserved to such a marriage; and
- (c) Male (man) or female (woman) refer to an individual's immutable biological sex as objectively determined by anatomy and genetics at time of birth.

These specific restrictions on the public use of religious freedom limit the scope of the use of a religious liberty objection to only actions related to the stated beliefs, and the bill further limits these objections by defining specific circumstances in which one could be raised. Adopting language similar to Southern Baptist teachings on sexual ethics, the bill uses definitions and beliefs found in Southern Baptist teachings and writings.

A clearly stated document regarding evangelical beliefs on sexuality and gender can be found in the *Nashville Statement* (2017). This document was coauthored and signed by Russell Moore, the president of the Ethics and Religious Liberty Commission of the Southern Baptist Convention, Steve Gaines, the president of the Southern Baptist Convention at the time, Andrew T. Walker, the director of policy studies at the Ethics and Religious Liberty Commission, and R. Albert Mohler, Jr., the president of a Southern

Baptist seminary. Articles contained in the statement include beliefs on the definition of marriage, the proper function of human sexuality, and teaching on gender identity.

Article I states,

We affirm that God has designed marriage to be a covenantal, sexual, procreative, lifelong union of one man and one woman, as husband and wife, and is meant to signify the covenant love between Christ and his bride the church. We deny that God has designed marriage to be a homosexual, polygamous, or polyamorous relationship. (*Nashville Statement*)

Although stated in theological language, the teaching found in article one mirrors the wording of the bill found in Section Two, Part A. Marriage, Southern Baptists believe, is only recognized as the union of one man and one woman, and House Bill 1523 allows for religious exemptions based on that belief.

Article II of the *Nashville Statement* says, “We affirm that God’s revealed will for all people is chastity outside of marriage and fidelity within marriage. We deny that any affections, desires, or commitments ever justify sexual intercourse before or outside marriage; nor do they justify any form of sexual immorality.” Again, despite the embellished language basing their belief in their theological leanings, the wording of the bill directly addresses the Southern Baptist belief on human sexuality. The bill states, “Sexual relations are properly reserved to such a marriage” (“HB1523 As Sent to Governor”). Arguing for “chastity outside of marriage and fidelity within marriage” reserves sexual relations to a union between one man and one woman in marriage, creating another principle of conscience according to Southern Baptist sexual ethics.

Covering gender identity, Article V of the *Nashville Statement* says, “We affirm that the differences between male and female reproductive structures are integral to

God’s design for self-conception as male or female. We deny that physical anomalies or psychological conditions nullify the God-appointed link between biological sex and self-conception as male or female.” The article clearly associates gender self-conception with biological attributes such as anatomy and genetics, a sentiment that is mirrored in Section Two, Part C of the bill when it says, “Male (man) or female (woman) refer to an individual’s immutable biological sex as objectively determined by anatomy and genetics at time of birth” (“HB1523 As Sent to Governor”). Allowing exceptions for beliefs that mirror the teachings of the Southern Baptist Convention, House Bill 1523 draws the outline for exemptions from Southern Baptist teachings on sexual ethics and gender identity.

The religious beliefs respected by the law prevent government interference against religious organizations that refuse to solemnize same-sex marriages, base employment decisions based on their religious beliefs, or refuse to provide space for the celebration of a same-sex wedding. Beyond religious organizations, the law allows for individuals to decline to provide certain goods and services. The law states,

The state government shall not take any discriminatory action against a person wholly or partially on the basis that the person has provided or declined to provide the following services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration, or recognition of any marriage, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section 2 of this act:

- (a) Photography, poetry, videography, disc-jockey services, wedding planning, printing, publishing or similar marriage-related goods or services; or
- (b) Floral arrangements, dress making, cake or pastry artistry, assembly-hall or other wedding-venue rentals, limousine or other car-

service rentals, jewelry sales and services, or similar marriage-related services, accommodations, facilities or goods. (HB 1523)

This public objection to participating in activities that would solemnize same-sex marriages reflects Southern Baptist thought as illustrated in the resolution titled “On the Call to Public Witness on Marriage.” These beliefs can be found in the resolution passed by the Southern Baptist Convention in 2015 titled “On the Call to Public Witness on Marriage.” The Baptists write, “RESOLVED, That the Southern Baptist Convention calls on Southern Baptists and all Christians to stand firm on the Bible’s witness on the purposes of marriage, among which are to unite man and woman as one flesh and to secure the basis for the flourishing of human civilization” (“On the Call to Public Witness on Marriage”). By allowing for individuals with religious objections to same-sex marriages to refuse participation in such marriages, House Bill 1523 follows Southern Baptist ethical thought that instructs their members to publicly share their beliefs on marriage through the refusal to participate in what they see as an illegitimate marriage based on the sexual ethics promulgated by the Convention.

Along with sexual ethical teaching found in the Mississippi bill, Southern Baptist language and arguments concerning religious freedom are reflected in House Bill 1523. Central to Southern Baptist arguments for religious freedom is the idea of a free conscience for each individual. The wording of House Bill 1523 reflects the idea of free conscience by allowing individuals to make decisions based on their beliefs and preventing government action in response to these decisions. The resolution titled “On Biblical Sexuality and the Freedom of Conscience” demonstrates the complicated ethical position placed on Southern Baptists by the redefining of marriage in the United States

and supports “those whose jobs, professions, businesses, ministries, schools, and personal freedoms are threatened because their consciences will not allow them to recognize, promote, or participate in activities associated with unbiblical marriage.” Remaining true to the Southern Baptist teachings on religious freedom, the Mississippi bill removes government from questions of religious convictions. Instead of forcing Southern Baptist sexual ethics on society as a whole, House Bill 1523 allows individuals to respect their conscience above government, as *The Baptist Faith and Message* says, “God alone is Lord of the conscience, and He has left it free from doctrines and commandments of men which are contrary to His Word or not contained in it.” The Southern Baptist commitment to conscience as the ultimate authority for ethical practice is mirrored in a bill that allows individuals to act upon their convictions without fear of government recourse. However, in a state with a large percentage of Southern Baptist citizens, the allowance for individual religious objections can create problems, specifically in small towns.

The idea that religious liberty is not simply for the free worship of a deity but that the church “may be free to carry out its work and witness in the world – among individuals and in society at large,” heavily influences Baptist ethical thought concerning religious freedom in the arena of homosexuality (Wood 23-24). As a result of this belief that religious freedom includes the freedom for individuals to practice their beliefs as a “witness in the world,” Southern Baptists resolved that “the Southern Baptist Convention reaffirms its unwavering commitment to its doctrinal and public beliefs concerning marriage; and... that the religious liberty of individual citizens or institutions should not be infringed as a result of believing or living according to the biblical definition of

marriage” (“On the Call to Public Witness on Marriage”). Southern Baptists see the issue of homosexual marriage as an opportunity to live out their beliefs in the public sphere as a witness to the rest of the world of their beliefs on the proper role of marriage in society. The same resolution continues, “The Southern Baptist Convention calls on Southern Baptists and all Christians to stand firm on the Bible’s witness on the purposes of marriage, among which are to unite man and woman as one flesh and to secure the basis for the flourishing of human civilization.” The Convention specifically calls Baptists to live out their faith in ways allowed by House Bill 1523 to demonstrate their witness to marriage in public. Richard Land, the former head of the Ethics and Religious Liberty Commission of the Southern Baptist Convention, said that Baptists “must confront those trying to keep us from the public square,” and this law, allowing Southern Baptists to practice their beliefs in the public square flows from the desire to remain in the public square (Boston 16). The resolution titled “On Exercising Religious Freedom and Freedom of Speech” states, “Christians have a responsibility to use their freedoms in such ways as defending traditional marriage,” and that “churches and pastors have a responsibility to bring the gospel to bear on every aspect of culture.” Baptists believe that they need to publicly practice their ethical positions in order to witness to others in the societies in which they live.

While House Bill 1523 allows for the free exercise of religious convictions, for individuals, it limits that exercise to marriage related activities. Section 3-5 states that the government cannot take action against someone who, “has provided or declined to provide the following services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration, or recognition of any

marriage, based upon or in a manner consistent with a sincerely held religious belief.”

The law then lists the activities clearly seen to be related to the solemnization of a marriage, clearly defining under what circumstances the denial of services is allowable. Rather than seeing the bill as providing a license to discriminate in a variety of situations, the House Bill closely follows Baptist teaching of protecting the freedom of conscience in regards to marriage and gender identity issues. The bill limits the actions a person seeking an exemption can take to a specific set of approved situations in which an exemption could be requested. The exemptions are limited to acts related to marriage or marriage celebrations or gender transitions. Although the resolution, “On the Call to Public Witness on Marriage” disagrees with but accepts the United States Supreme Court’s ruling to grant legal recognition to homosexual relationships, the resolution mirrors House Bill 1523 by accepting a new legal definition but calling for the freedom to live and work according to an individual’s conscience and religious conviction. Pool argues, “The political guarantee of freedom of conscience has been sought by Baptists certainly to preserve for themselves the right to their own viewpoints,” and recently, the seeking of this right has been expanded to include the ability to act on convictions in the public sphere, mirroring House Bill 1523 (15).

Another area in which the House Bill demonstrates the Southern Baptist ethic of religious freedom involves the definition of discriminatory action by the government. In House Bill 1523, the bill specifically states that “The state government shall not take any discriminatory action against a religious organization,” or “person.” Discriminatory action includes an action that would

- (a) Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, revoke, or otherwise make

unavailable an exemption from taxation of any person referred to in Section 3 of this act

- (b) Disallow, deny or otherwise make unavailable a deduction for state tax purposes of any charitable contribution made to or by such person;
- (c) Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any state grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, or other similar benefit from or to such person;
- (d) Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any entitlement or benefit under a state benefit program from or to such person;
- (e) Impose, levy or assess a monetary fine, fee, penalty or injunction;
- (f) Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any license, certification, accreditation, custody award or agreement, diploma, grade, recognition, or other similar benefit, position, or status from or to any person; or
- (g) Refuse to hire or promote, force to resign, fire, demote, sanction, discipline, materially alter the terms or conditions of employment, or retaliate or take other adverse employment action against a person employed or commissioned by the state government.

This rule against discriminatory action is limited to the government but does not prevent citizens from making business decisions based on personal beliefs. The government is prevented from adjusting taxes, imposing fees, removing licenses, denying grants, or firing individuals who choose to act on their religious convictions. Similarly, Baptists emphasize the necessity of the government to allow individuals to act on their convictions. In the resolution titled, “On Biblical Sexuality and the Freedom of Conscience,” the only discrimination lobbied against involves government action against citizens. Baptists believe that each individual should be able to choose to participate in a transaction or solemnization of a marriage based on their personal convictions. Likewise, choosing to follow these convictions may come with personal risk, including loss of business and the threat of boycotts; however, the individual should be free of government discrimination. Whether individuals choose to enter into a business relationship should be

decided by the individuals based on personal convictions and should not be subject to government interference. C. Welton Gaddy, the former director of Christian citizenship development for the Christian Life Commission of the Southern Baptist Convention, writes, “Recent actions in various state Baptist conventions have demonstrated the willingness of Southern Baptists to jump into the political fray when matters primarily requiring personal decisions become public issues” (57). When the ability for individuals to make decisions without government recourse is threatened, Southern Baptists undertake the struggle to maintain their freedom to live according to their religious convictions.

In Mississippi specifically, Southern Baptists wield significant political power and cultural influence. The Pew Research Council estimates that twenty-one percent of adults are Southern Baptist (“Religion in America: U.S. Religious Data, Demographics and Statistics”). According to the Clarion Ledger, these 626,661 Southern Baptists are dispersed between 2,132 churches in the state (Fowler; “U.S. Census Bureau QuickFacts: Mississippi”). With these numbers, Southern Baptists are the largest religious denomination in the state, and make up one-fifth of the electorate of the most religious state in America. Thus, Baptists hold significant influence in state politics. The Southern Baptist Convention is eighty-five percent white, with no other ethnic group making up more than six percent of the denomination (“Religion in America: U.S. Religious Data, Demographics and Statistics”). The Mississippians who belong to this denomination and support the bill are predominantly white. Even those Christians who are not Southern Baptist are aware of the influence Southern Baptists have on the state and its government. Southern Baptists can be found in all levels of government, and the majority of legislators

responsible for crafting this bill are Southern Baptist. Because of their large numbers both in the state and in the legislature, Southern Baptists wield significant influence in the political life of Mississippi.

Another way in which Baptists have applied and lobbied for their ideas about religious freedom is through the creation of the Ethics and Religious Liberty Commission (ERLC). The commission, an entity of the Southern Baptist Convention and the lobbying arm of the Convention, is charged with the task of promoting the idea of religious freedom. The commission has even assisted adherents of other faith traditions in overcoming obstacles to the free exercise of their religions. In an article from October 2008, in *Church & State*, the ERLC is ranked the ninth most powerful organization on the “Religious Right” (Boston 15-16).

Tweets from the authors, prominent supporters, and Southern Baptist leaders illustrate the effect Southern Baptists had on the eventual passage of the bill. In a tweet from March 30, 2016, when debate over Governor Phil Bryant signing the bill was at its peak, Tate Reeves, the Lieutenant Governor tweeted a statement that says, “In the wake of last year’s U.S. Supreme Court decision, many Mississippians, including pastors wanted protection to exercise their religious liberties... This bill simply protects those individuals from government interference when practicing their religious beliefs” (Reeves, Tate “House Bill 1523”). “House Bill 1523 simply protects.” 30 March 2016, 5:58 p.m. Tweet.). Although he does not explicitly mention Southern Baptists in this tweet, he clearly references the aspect of Southern Baptist thought that deals with the removal of government interference from the practice of religious beliefs, and he acknowledges the idea that religious beliefs are not simply limited to worship activities

but also include the practice of those beliefs in the public sphere. Similarly, one of the authors of the bill, Andy Gipson, in a Facebook post, quotes a song from a popular Christian band, the Newsboys. From their song “Guilty,” he quotes, “If serving you’s against the law of man, if living out my faith in you is banned, then I’ll stand right before the jury. If saying I believe is out of line, If I’m judged cause I’m gonna give my life, to show the world the love that fills me, then I want to be Guilty” (Gipson, “I heard”). Although this song does not explicitly mention the bill, the sentiments expressed in the song mirror the Southern Baptist belief in the importance of disobeying laws seen to violate the higher law of God. He is saying he is willing to face the consequences of disobeying earthly laws to demonstrate his obedience to God. In another post, this time to twitter, Andy Gipson retweets and comments on a tweet promoting an article written by the Ethics and Religious Liberty Commission of the Southern Baptist Convention. The article, titled “Will Mississippi Lead the Way?” is enclosed in a tweet with the text, “The Mississippi legislature has put forth perhaps the best post-*Obergefell* legislation to date” (Gipson, “Check it out”). In his tweet, Andy Gipson writes, “Check it out: ‘@ERLC: Mississippi has the best post-*Obergefell* legislation to date.’” By directly referencing the support of the public policy arm of the Southern Baptist Convention, Gipson illustrates the influence the approval of this organization has had on the creation of the bill and the influence it will have on the passage of the bill. Gipson believes the support of the ERLC will affect the passage of the bill and raise support among his constituents.

Along with the authors of the bill, prominent Southern Baptist and evangelical leaders have spoken out in support of the bill. Although some are not Southern Baptist in church membership, they command significant influence within the denomination.

Franklin Graham, the son of evangelist Billy Graham and CEO of Samaritan's Purse, an organization that partners closely with the Southern Baptist Convention on its Operation Christmas Child ministry, tweeted his support for the bill to his 1.7 million followers. He wrote, "Praying that the Mississippi House and Governor @PhilBryantMS will stand strong for religious freedom & conscience and vote YES on HB 1523" (Graham). Having the support of a prominent evangelical leader would mobilize Baptists and provide grassroots support for the legislators who authored and sponsored the bill.

In the article tweeted out by Andy Gipson, the Ethics and Religious Liberty Commission of the Southern Baptist Convention endorses the bill passed by the Mississippi legislature. Andrew T. Walker and Josh Wester write in "Will Mississippi Lead the Way?" that House Bill 1523 "is a carefully crafted piece of legislation that will protect religious freedom and provide reasonable accommodations for persons holding traditional views on marriage and sexuality." In demonstrating support for the law, they write, "The 'Protecting Freedom of Conscience from Government Discrimination Act' is an exemplary model for public policy and we strongly encourage Governor Bryant to lead on this issue by signing HB 1523 into law." They call the passage of the law "courageous" while denouncing states such as, "New Mexico, Oregon, and Colorado" for weakening their protections for religious freedom. The article calls the law "exactly the sort of legislation that has been desperately needed." The authors even address the opposition to the bill by using the language of discrimination when they write, "The opposition to this bill is a clear demonstration that some LGBT activists and corporate interests are not interested in advancing the causes of liberty, tolerance, or plurality, but are instead committed to silencing the voice of religious citizens." The argument of this

article, and therefore the main denominational body that deals with public policy, is found in the sentence that states, “This bill strikes an important balance that recognizes the new realities created by the Supreme Court’s *Obergefell* decision – legalizing same-sex marriage nationwide – while offering reasonable accommodations for citizens whose sincerely held moral and religious beliefs remain opposed to such practices.” In this opinion, the Southern Baptist view of religious freedom is clearly spelled out. Walker and Wester’s article emphasizes the balance between obeying the Supreme Court’s decision and protecting the freedom of those who have moral objections to participating in certain actions.

VI. Conclusions

My thesis began by pointing to recent controversies surrounding the legalization of same-sex marriage and new legislation aimed at protecting religious freedom. As this debate continues to rage across the country, especially within the context of the two cases highlighted at the beginning of this paper, the opinions of the Southern Baptist Convention provide an outline for important values to recognize as a nation grapples with the role of religious freedom in public life. Through the historical development of the Baptist ethic of religious freedom and the Scriptural sources used to justify this ethic, the language developed by Southern Baptists to discuss the issue of religious freedom can be found in Mississippi House Bill 1523. I suggest that understanding these sincerely held beliefs will allow for more productive dialogue between the opposing viewpoints.

My historical analysis of the development of the arguments for religious freedom shows that Southern Baptists view religious liberty in a way that extends beyond the simple freedom to worship. Although this aspect of religious freedom remains an important part of how Baptists view the issue, the official documents of the Convention and the support for HB 1523 illustrates that Baptists believe their ability to live out their beliefs in the public square in an effort to influence the greater culture around them is a vital aspect of religious freedom.⁸ Similarly, as seen in the Baptist tradition, some Christians ask for exemptions because they believe by participating in these activities,

⁸ For a critique of House Bill 1523 see the article published by the Human Rights Commission. <https://www.hrc.org/local-issues/mississippi>

they will compromise their voice in the culture and violate their moral conscience. Living out one's convictions in public life is seen as an important aspect of Christian cultural witness, an aspect they fear could be lost if they are required to participate in or cooperate with activities they consider immoral.

Regarding religious freedom, those in favor of religious exemptions hope that the recognition that the desire for such freedoms stems from centuries of persecution and the evidence of a persecuted church around the world will allow the United States to avoid a similar path. Tracing the Baptist denomination from its founding reveals a pattern of persecution faced on multiple continents. Their beliefs on religious freedom developed in a climate of hostility towards their beliefs. Similarly, as churches are closed and pastors are arrested in China because they refuse to conform church teaching to government approved doctrine, Christians see a similar threat facing churches in the United States if religious freedom protections are not enshrined in law.

These religious freedom arguments, while adjusted to fit the cultural setting the denomination is in, have developed over centuries of biblical interpretation and societal interaction. These teachings are not new, but they reflect the communities and cultures that surround the church, a history of persecution, and the desire to maintain their freedoms in the face of perceived growing cultural hostility to their beliefs. Similarly, the development of their religious freedom arguments should be a point of consideration when discussing religious freedom issues. In contrast to past Baptist forays into politics, recent Southern Baptist statements illustrate a new view of religious liberty by simply asking for accommodations of their beliefs. Instead of seeking to prevent same-sex weddings, the Baptists are asking not to be forced to participate by using their skills to

celebrate an event they believe is unethical. For public conversation to move forward, both sides of the debate must understand the deeply held beliefs of the other. Those seeking the accommodations should seek to better explain their desire and position, and those opposed to such accommodations should enter a discussion with a desire to see from another point of view.

Second, the belief that homosexuality, same-sex marriage, and transgenderism are immoral and constitute sinful behavior is not a viewpoint unique to Southern Baptists. Although increasingly unpopular and a decreasing minority within the United States, a large percentage of Evangelical Christians, Muslims, and Orthodox Jews share this belief. Beyond these three religions, this belief remains a common theme found in the teachings of many of the world's religions ("Religion in America: U.S. Religious Data, Demographics and Statistics"). Even non-religious, socially conservative individuals share this belief. Despite this paper focusing on one specific group of Evangelical Christians, an Orthodox Jewish baker or a Muslim baker may have similar reservations when asked to create an item for a same-sex wedding or gender transition celebration. Although a more liberal audience may view this belief as discriminatory, hateful, and backwards, within this debate in the United States, it should be recognized that that these beliefs on homosexuality remain an important aspect of the belief system of many religious Americans. Further, recognizing freedom of belief would help to steer the debate in a more positive direction by focusing the debate on the extent exceptions will be extended instead of attempting to force a new set of values and actions on a significant population of religious persons, a set of values that this segment of the population may be

unwilling to accept.⁹ Through the historical analysis of the Baptist tradition, this thesis has shown the significance of these issues to the Baptist tradition. Beliefs about religious freedom and marriage remain core components of Southern Baptist ethical thought, not marginal ideas.

Another important aspect of religious belief to recognize in this debate is the special place marriage plays in the belief system of Evangelical Christians and the belief that by participating in certain aspects of same-sex weddings and gender transitions, these Christians believe they would be compromising their ability to speak truth to the culture around them. As highlighted earlier in this paper, some Christians view marriage as an allegory for the relationship of Christ and the church that requires a male and female to illustrate the differing roles within the relationship. By redefining marriage, not only is an important ethical issue disrupted, but an important biblical metaphor might lose significance for believers.

A final point to realize when addressing debates over the place of religious freedom in America is the role government should play in the private sector and individuals' lives. The encroachment upon religious freedom by the government is seen by Baptists as the government attempting to define standards of acceptable religious practice, a definition, they fear, that would grow increasingly restrictive as cultural attitudes shift away from the values they hold dear. Specifically, for Southern Baptists, as they view an ever increasingly hostile culture eroding their political power, the fear of the

⁹ Religious exemptions are not a new idea in American public life. From conscientious objectors in times of war to the creation of religious schools as an exception to a secular public school system, forms of exemption have existed in American life.

government being granted this authority remains real and drives their desire to maintain their religious freedom in public interactions.

While examining the specific cases highlighted in the introduction, recognizing these realities and values allows for a greater understanding of the situation.

Understanding that these beliefs are firmly held aspects of a religious ethical tradition creates a sense of understanding within the disagreement between the two opinions.

Recognizing the Southern Baptist arguments for religious freedom would provide a positive starting point for conversations and a framework in which civil, productive conversations can take place and understanding amongst ideological opponents can be created as we debate issues that will be important in society for decades.

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